THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :10343 of 2007

DATED:07-06-2007

BETWEEN:

M.Sonia & another.

..... PETITIONERS

AND

The Station House Officer,
Nallakunta Police Station,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in interfering with the life and liberty of the petitioners without due process of law, as illegal and arbitrary.

3. It is the case of the petitioners, who are the wife and husband, that the 1st respondent at the instance of the respondents 2 and 3 has been calling them to the police station, detaining them hours together and abusing though they have not committed any offence. Hence, the present Writ Petition.

4. Counter has been filed by the 1st respondent stating that the 3rd respondent lodged a complaint with him alleging that the 2nd petitioner made anonymous telephone calls thrice a day to the daughter of the petitioners and also threatened to kill her by pouring acid and abused her by using obscene language and hence requested to take necessary action, and on receipt of the said complaint the Inspector of Police, Nallakunta called the 2nd petitioner and warned him. Then the 2nd petitioner executed an undertaking, dated

07-10-2003, to the effect that he will not make any telephone calls or create any other nuisance and in case he is found to have repeated the said mistakes, he shall be liable for punishment. Insofar as the other allegations that the 1st respondent summoned the petitioners to the police station, detained in the police station and abused them on
16-05-2006 are all denied.

5. Having regard to the facts and circumstances I am of the opinion that if any complaint has been filed either by the respondents 2 and 3 or by anybody alleging that either of the petitioners have committed any cognizable offence it is always open for the police to register a case and investigate the same but without registering a case police cannot interfere with the personal life and liberty of the petitioners. However, in view of the aforesaid denial no orders need be passed in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

07th June, 2007.
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